

## **REMARKS**

Claims 1-23 are pending in the application. Claims 1-23 are rejected. The present response amends the specification and FIG. 3B. Claims 1, 10, 15 and 18 have also been amended to clarify their meaning as originally presented. Claim 11 is withdrawn.

### **Objection to the Drawings**

Applicants thank the Examiner for pointing out that reference character "32" was inadvertently used to designate both the wheel and the enclosure. This occurs in Figure 3B and paragraph 24. Applicants have amended paragraph 24 of the specification and are submitting a Replacement Sheet for Figure 3B to properly designate the enclosure as reference character 42. Accordingly, applicants request withdrawal of this objection.

### **Claim Rejections - 35 U.S.C. §112**

Claim 15 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement because it is not clear how the projection adjacent to the evaporation coils facilitates movement of the flowable material, and, as a result, does not enable one of skill in the art to which the invention pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants disagree but have amended claim 15 to clarify that the projections facilitate movement of the flowable material by inhibiting contact between the substantially sealed enclosure and the evaporation coil. This amendment is fully supported by the specification in that the statement added to claim 15 can be found in original claim 22 and is disclosed in paragraph 19.

Upon reading the specification and reviewing the drawings, one of skill in the art would know that placing a projection adjacent to the coils to inhibit contact between the substantially sealed enclosure and the evaporation coil would facilitate the movement of flowable material.

### **Claim Rejections - 35 U.S.C. §102**

The Examiner rejected claims 1, 5, 10-14, 17-18, and 21-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,604,217 to "John". (Please note that this patent actually issued to "Spear." "John" was his first name. Accordingly, Applicants will refer to this patent as being issued to Spear.) Applicants respectfully traverse this rejection.

Claims 1, 10 and 18 are independent claims. The remaining claims depend from one of these independent claims.

Spear discloses a refrigerator used for water cooling or vacuum cooling goods in shed 66 (Fig. 4) and a vacuum cooling chamber 82 (Fig. 5) *external to the cooling apparatus*. That is, in one embodiment of Spear's cooling apparatus, there is a trough 69 attached to the cooling apparatus that permits cold water to discharge over goods to be cooled (Fig. 4; col 2, line 74 - col 3, line 6). In the other embodiment depicted in Fig. 5, Spears discloses a pipe 84 connected to a vacuum cooling chamber 82 for removing moisture from the chamber 82 (Col 3, line 57-col 4-line 4). However, nothing in the Spear reference shows positioning an apparatus adapted to form a chamber over a portion of the cooling apparatus.

An element of claim 1 is "providing an apparatus adapted to form a chamber over said goods on the surface" and "positioning the apparatus adapted to form a chamber over said goods *and over the first portion of the cooling apparatus*." Spear does not disclose that.

An element of claim 10, as presently amended, is "said frame intermediate portion adapted to receive a seal that is located substantially along a lower perimeter of an enclosure that forms a chamber over said frame first portion." As discussed above, Spear does not disclose this element.

An element of claim 18, as presently amended, is "a substantially sealed enclosure positioned over the evaporation coil and over goods on a surface to be cooled, and such that the compressor is positioned without the enclosure." Spear does not disclose this element.

The amendments to claims 10 and 18 are fully supported by the specification. For example (but not by limitation), in reference to amended claim 10, paragraph 23 and 24 describe an embodiment of the invention shown in Figures 3A and 3B. Figure 3B shows a frame intermediate portion 24 adapted to receive a seal that is located substantially along the lower perimeter of an enclosure 32. The amendments to claim 18 are supported for example (but not by limitation), by paragraph 18, which discloses an embodiment of the invention where "the refrigeration system is arranged on the frame 12 such that the evaporation coil 14 may be situated within a chamber formed by an enclosure to cool goods located within the chamber." Accordingly, the claims, as amended, satisfy the requirements of 35 U.S.C. §112.

In view of the reasons set forth above in reference to the independent claims 1, 10 and 18, it is unnecessary for Applicants to comment on the Examiner's contentions as to what Spears discloses in reference to the elements of the rejected dependent claims. Accordingly,

Applicants respectfully decline to comment on such contentions and expressly reserve their right to do so during further prosecution of this application, related applications, or in litigation.

For a reference to anticipate under § 102 it has to meet every element of the claimed invention. For the above-mentioned reasons, Spear does not anticipate claims 1, 10, and 18. Furthermore, as the remaining claims 5, 11-14, 17, and 21-22 rejected as anticipated by Spear depend from either claim 1, 10 or 18, they too are not anticipated by Spear. Therefore, Applicants respectfully request withdrawal of the §102 rejection.

### **Claim Rejections - 35 U.S.C. §103**

Claims 2-4, 6-7, 16, 19-20 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spear in view of Miller et al. (U.S. Patent No. 5,277,031). Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Spear in view of Hiroshi (JP 5-252855 J). Applicant respectfully traverses these rejections.

As noted above, Spear does not disclose certain elements of independent claims 1, 10, and 18. Similarly, such elements are not found in the Miller reference or the Hiroshi reference. Therefore, one could not combine Spear with Miller or Hiroshi to derive Applicant's claimed invention.

In view of the reasons set forth above in reference to the independent claims 1, 10 and 18, it is unnecessary for Applicants to comment on the Examiner's contentions as to what Miller or Hiroshi disclose in reference to the elements of the rejected claims under 35 U.S.C. §103. Accordingly, Applicants respectfully decline to comment on such contentions and expressly reserve their right to do so during further prosecution of this application, related applications, or in litigation.

For these reasons, Applicants respectfully request withdrawal of the §103 rejections.

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Applicants further note that Claim 6 adds the step of causing a seal to deform against the surface to claim 1. The Examiner does not contend (and nothing in Miller discloses, teaches or suggests) that such element is present in the Miller reference. Accordingly, for this additional reason, the rejection of claim 6 should be withdrawn.

Regarding the rejection of claims 8 and 9, the Examiner combined Spear with Hiroshi stating that Spear does not disclose fumigation but Hiroshi does. However, there is no

teaching cited by the Examiner that would suggest or create a motivation to combine Spear with Hiroshi. Accordingly, for this additional reason, the rejection of claims 8 and 9 should be withdrawn.

Regarding the rejection of claims 19 and 20, the Examiner's statement that "beveled coupling of claim 19 and 20 is also a known feature of a pipe joint" and that "any beveled coupling with a male and female coupler obviously make at least slight deformation at the bevel face of the female and male surface" is misplaced. Claims 19 and 20 do not recite "beveled coupling;" they recite a "beveled surface". Certainly any cooling system having beveled coupling elements would be encompassed by the claims of the invention. However, the claim element is a "beveled surface". It is not disclosed in the references cited by the Examiner or known in the art for the intermediate support of a cooling system to have a beveled surface or for such beveled surface to form a conduit to facilitate the coupling of the evaporation coil and the compressor. An embodiment of such beveled surface is shown in Figure 3A and described in paragraph 23 of the application in reference to channel 26. Accordingly, for this additional reason, the rejection of claims 19 and 20 should be withdrawn.

#### **Additional Claim Amendments**

Applicants have amended claim 1 to correct a typographical error in the spelling of the word "positioning". The original claim 1 did not include an "i" after the "s". Furthermore, in addition to the amendment to claim 18 noted above, Applicants have amended the last word of claim 18 because the term "chamber" was inadvertently used instead of "enclosure." These amendments were made to correct inadvertent errors and were not made for reasons of patentability.

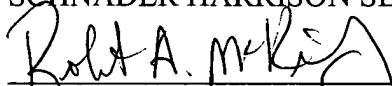
## Conclusion

Based on the Amendments and Remarks above, Applicants respectfully request allowance of all pending claims.

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By

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## **Amendments to the Drawings**

Kindly replace FIG. 3B with the Replacement Sheet submitted herewith.